



EAST RIDING
OF YORKSHIRE COUNCIL

ASSETS OF COMMUNITY VALUE PROCEDURE GUIDE

Key terms used in this guide.

| Term | Explanation |
|---------------------------------|---|
| The Act | Localism Act 2011. |
| The Regulations | The Assets of Community Value (England) Regulations 2012. |
| The List | The List of Assets of Community Value. |
| The Asset | A building or piece of land nominated for inclusion on the List of Assets of Community Value. |
| The Council | East Riding of Yorkshire Council. |
| The Parish Council | An elected corporate body and first tier of local government. |
| The Owner | Those holding a freehold or leasehold estate in the asset. |
| The Leaseholder | The person or organisation with a lease of at least 25 years. |
| Voluntary or Community body | A community body eligible to nominate an asset for inclusion onto the List of Assets of Community Value. |
| Community Interest Group | A community group eligible to prompt a Full Moratorium and bid for a listed asset. |
| Local Connection | Activities that are wholly or partly concerned with a local community or with the local authority's area. |
| Social Wellbeing | Is a condition in society that describes a person's relationships with others and how that person communicates and achieves a sense of belonging within the wider community. |
| Realistic | A present or recent non-ancillary use can continue unrestricted into the future. |
| Recent Past | Means the length of time the asset had been used to further the local community's social wellbeing or social interests. |
| Community Asset Nomination Form | The E-Form used by Voluntary or Community bodies to submit their nomination. This form is available on the Council's website. |
| ACV Appraisal Form | The form used by the Council to record the outcome of an appraisal. This will include background information on the nominated asset as well as other local circumstance relevant to the nomination. |
| Nomination Panel | The panel of senior officers chosen by the Council to make the decision on whether to add or exclude an asset from the list. |
| Listing Review | A process undertaken by the Council if the owner of the asset is dissatisfied with the Council's decision to add the asset to the list. |
| Reviewing Officer | The Council's senior officer who undertakes the Listing Review. This nominated officer will have no connection to the original decision made by the Nomination Panel. |
| Appeal | The owner can appeal if they are dissatisfied with the decision of the Reviewing Officer. The owner appeals to the First-Tier Tribunal which is part of the administrative justice system of the United Kingdom and administered by Her Majesty's Courts and Tribunals Service. |
| Notice Of Intended Disposal | The written notification sent by the owner to the Council when they intend to dispose of a listed asset. |
| Disposal | The sale or the granting of a lease exceeding 25 years in duration. |
| Protection Period | The term given to the 18-month period from the date the notice of intended disposal was received by the Council. This provides the owner with protection against multiple moratoriums once the Interim and Full Moratoriums have expired. |
| Interim Moratorium | The name given to the six-week period from the date the Council received the Notice of Intended Disposal from the owner. This provides Community Interest Groups with an opportunity to submit an Expression of Interest to bid. |
| Full Moratorium Period | The name given to the six-month period from the Notice of Disposal where the owner cannot dispose of an asset without meeting the conditions of the Act. This period can be used by Community Interest Groups to prepare and submit an offer to the owner. |

1.0 Introduction.

1.1 Legislation & Regulation.

The Community Right to Bid was introduced by the Localism Act 2011 and implemented by The Assets of Community Value (England) Regulations 2012. The Act allows voluntary or community bodies to nominate a building or piece of land to be listed as an 'Asset of Community Value'.

1.2 Assets of Community Value.

The Localism Act 2011, deems an asset to be of community value if:

- An actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and
- It is realistic to think there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

A building or other land in a local authority's area that is not land of community value as a result of the above is also land of community value if in the opinion of the local authority

- There is a time in the recent past when an actual use of the building or other land that was not ancillary use furthered the social wellbeing or interests of the local community, and
- It is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

1.3 Voluntary & Community bodies.

Such bodies have a local connection and are entitled to submit a community nomination.

- A body designated as a neighbourhood forum pursuant to section 61F of the Town and Country Planning Act 1990 (non-parished areas).
- A Parish Council.
- An unincorporated body whose members include at least 21 members which does not distribute any surplus it makes to its members.
- A charity.
- A company limited by guarantee which does not distribute any surplus it makes to its members.
- An industrial and provident Society which does not distribute any surplus to its members.
- A community interest company.

1.4 Community Interest Groups.

Only a local Community Interest Group with a local connection can initiate a Full Moratorium Period and include:

- A Parish Council.
- A charity.
- A company limited by guarantee which does not distribute any surplus it makes to its members.
- An industrial and provident Society which does not distribute any surplus to its members.
- A community interest company.

2.0 Nominations.

2.1 Submitting a nomination.

The Council will receive any written nomination in either electronic or hard copy format. However, the Council suggest that nominations are made using the Councils Community Asset Nomination Form. This form includes details of the compulsory information that is required to enable nominations to be considered. This is an E-form and is available when you search “asset” on the Council’s website.

2.2 Eligibility.

The Council will consider nominations where the main purpose of the asset is:

- Public Services Assets: Children centers, health centres and residential care homes.
- Sport, Recreation & Culture Assets: Theatres, libraries, village halls, open spaces or museums.
- Community Service Assets: Churches, community centres, youth centres or public toilets.
- Local Democracy Assets: Town, civic or guild halls used by the general public.
- Economic Assets: Village shops, the local pub, markets, the post office or the local bank.

The Council will exclude nominations that are:

- Outside of the East Riding Of Yorkshire.
- Residential properties and associated land (such as gardens).
- Sites covered by Part 1 of the Caravan Sites and Control of Development Act 1960.
- Operational land such as roads and rail networks.
- Used by public utilities as defined in section 263 of the Town and Country Planning Act 1990.
- Assets that have been disused, empty or derelict for longer than three years.

However, the Council reserve the right to consider each nomination on its own merits.

2.3 Receipt of nominations.

Once the Council receives a written nomination, checks will be made to ensure that the asset meets the criteria shown above. The Council will also check to make sure that all necessary information required by the regulations is included.

- A description of the nominated asset including the proposed boundaries.
- The names and the current or last known address of the owners.
- The names of the current occupants.
- The nominator’s reasons why the Council should determine that the asset is of community value.
- Supporting evidence that the nominator is eligible to make a community nomination.

If the nomination fails to meet the criteria, the nominee will be notified of the reasons why. If the nomination is incomplete, the nominee will be notified, and no further action will be taken until the necessary information has been received.

2.4 Acknowledging the nomination.

If the nomination is eligible and all necessary information has been received, the Council will send written acknowledgment to all interested parties as required by the Act.

- The nominee.
- The owner.
- The Parish Council.
- The current occupant if not the owner.

The acknowledgment will contain the nominations reference number and a date by which time the Council will have completed their appraisal.

3.0 Appraisal

3.1 Timescales for undertaking an appraisal.

The Council must decide whether assets nominated by a community nomination, should be included as an Asset of Community Value within eight weeks of receiving a complete and eligible nomination. In practice, the Council will complete their appraisal well in advance of the required date. However, if delays occur that are beyond the control of the Council, the nominee will be notified in writing.

3.2 The content of an appraisal.

The Council will consider any supporting information supplied by the nominee, including details of any organisations that use the asset. However, the Council will base its decision on the assets value to whole community and how the asset contributes to the social interests and wellbeing of all local people. The Council will also consider value in terms of impact on local residents if the asset were lost and if access is given freely or at a cost. Any nominated asset that may contribute to anti-social behavior or activities that may be harmful to health, will need to have considerable unique benefits to merit listing as an Asset of Community Value.

3.3 Appraisal procedure.

Appraisals will be undertaken by an officer of the Council with suitable knowledge and experience of the requirements of the Act. The appraisal, supporting information and the recommendation will be documented using the Councils ACV Appraisal Form. The form will be considered by a Nomination Panel of senior Council officers and a decision made on the recommendations of the appraisal.

3.4 Outcome of the appraisal.

The Council will write to all parties with the decision of the Nomination Panel. If the nomination has been successful, the asset will be added to the List of Assets of Community Value for a period of five years. An entry will be placed on the Local Land Charges Register and a restriction registered against the property on the Land Registry. Once the five years has expired the property will be removed from the list and the charge and the restriction will be discharged.

If the nomination has failed to meet the requirements of the Act, the Council will provide details on the reasons why the nomination was unsuccessful. Unsuccessful nominations will be added to the List of Unsuccessful Community Nominations for a period of five years. During this time the Council are under no obligation to undertake any further appraisals. Both lists are available on the Council's website and an example is shown below.

List Of Assets Of Community Value

| Asset Details | | | Appraisal | | Listing Review | | Disposal Of Asset | | | Status |
|---------------|------------|--------------|-------------------|-------------------|-----------------|--------|--------------------------------|-----------------------------|--------------------------|--|
| Asset Ref | Asset Name | Address | Date Asset Listed | Expiry Of Listing | Internal Review | Appeal | Interim Moratorium Expiry Date | Full Moratorium Expiry Date | Protection Period Expiry | Current Position |
| LACV1 | The Asset | Value Street | 12/10/2012 | 12/10/2017 | Yes\ Expired | | | | | Internal Review to be completed by 7/12/12 |

Each asset is given a unique reference number on receipt of the written nomination

The asset remains on the list for five years from the date when added

The owner has a right to request a review and if still dissatisfied to appeal

When the owner notifies the Council of an intention to dispose of an asset, the Council will implement a moratorium to give eligible community interest groups an opportunity to express an interest in the asset

This will include the status, key dates, intention of disposal and the group prompting a Full Moratorium.

3.5 Listing Review

If the owner is unhappy with the decision to list an asset in their ownership as an Asset of Community Value, the owner has the right to request a Listing Review. This request must be in writing and before the end of an eight-week period starting on the date of the notification letter. The Council will appoint an appropriate senior officer not connected with the decision to carry out a review. The Council must complete the review by the end of an eight-week period commencing from the date the Council received the request from the owner. If the owner is unhappy with the Listing Review, they may appeal the decision to the First-Tier Tribunal. The owner must make the appeal within 28 days of the Council sending the review decision to the owner. For more information on Listing Reviews, please refer to Schedule 2 of the Assets of Community Value (England) Regulations 2012.

3.6 Successive Nominations

The Council will not acknowledge successive nominations of a previously unsuccessful nominated property unless the following condition (in the opinion of the Council) has been met:

That the nominee has proven (without doubt) within their nomination that a substantial or material change in circumstance has occurred since the Council's original assessment of the building or land.

If this condition is not met, successive nominations will be excluded, and the nominee notified in writing by the Council.

4.0 Disposal

4.1 Notification of intended disposal

When an asset is added to the List of Assets of Community Value and the owner wishes to dispose of the asset, the owner will provide the Council with a written notice of intended disposal. When a notice of intended disposal is received an 18-month protection period will commence. The Council will notify the Nominee, Parish\Town Council, and the community using the List of Approved Assets of Community Value.

4.2 Interim Moratorium

From the date of receipt of the notice of intended disposal, a six-week period called the Interim Moratorium will come into force. During this time the owner cannot dispose of the asset. The Interim Moratorium is designed to enable Community Interest Groups to submit an expression of interest to the Council. If no expressions of interest are received during the Interim Moratorium the owner will be notified and will be free to dispose of the asset.

4.3 Full Moratorium

If the Council receives an expression of interest, the Council will notify the owner and a six-month waiting period called a Full Moratorium will commence. This period is designed to allow Community Interest Groups the time to put forward a bid. During the Full Moratorium period the sale takes place under normal market conditions. There is no obligation for the Community Interest Group to make a bid and the group has no rights of purchase over other potential buyers. At the end of the Full Moratorium, the owner is under no obligation to sell the asset to a Community Interest Group. The owner can sell to whomever they choose and at whatever price. For more information on disposal refer to Section 95 of the Localism Act 2011.

5.0 More Information

5.1 If you require any further information, please visit the Councils web page on this subject.

<http://www2.eastriding.gov.uk/council/council-property-and-land-ownership/assets-of-community-value/>

This page provides contact details and links to the Localism Act 2011 and The Assets of Community Value (England) Regulations 2012.